

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

BOARD MEETING

Wednesday, April 4, 1985

GEORGE N. GRAY
CHAIRMAN

Lafayette, Louisiana

LOUISIANA WILDLIFE AND FISHERIES COMMISSION

April 4, 1985

AGENDA

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MINUTES OF MEETING OF
LOUISIANA WILDLIFE AND FISHERIES COMMISSION

April 4, 1985

Chairman George N. Gray, presiding:

Members Present:

Dr. Jack Cappel
Dr. Don Hines
Mr. Dale Vinet

The regular monthly meeting of the Louisiana Wildlife and Fisheries Commission was called to order by Chairman George Gray, on Thursday, April 4, 1985 at 10:00 AM at the Holiday Inn North in Lafayette.

A Roll Call was taken.

A motion was made by Mr. Vinet, seconded by Dr. Hines and passed unanimously, to approve the minutes of March 6, 1985.

Harry Schafer gave the Survey Section Report at Tuesday's meeting for the period of March 1-31, 1985. During that period field activity consisted of 143 surveys scheduled, 34 were unable to be done due to bad weather or fishermen unable to meet surveyor and one no show. Surveys that were completed consisted of 59 leases tied into the monument control system, 13 applications for new area, 6-15 year limitation applications and 30 restake applications. Office activity consisted of \$2,672.52 lease rental collected, \$2,426.75 survey fees collected, 59 tonnage licenses issued, 21 dredging licenses issued and 151 leases issued.

Ray Montet presented the Monthly Enforcement Report of February 1985 at Tuesday's meeting.

Mary Mitchell gave a review of the Administrative Procedures Act at Tuesday's meeting. She discussed 23 very important steps that we must follow. (Attached to Minutes)

Janice Wells, who is the supervisor of our License Section presented the Commission with information concerning commercial licenses. (Attached to Minutes)

The St. Martin Parish Police Jury presented an ordinance to the Commission. Dr. Cappel offered a motion, seconded by Mr. Vinet, and unanimously approved to accept the ordinance.

(The full text of the ordinance
here is made a part of the record)

An Ordinance setting forth restrictions of boat traffic in Butte La Rose Channel, providing a penalty for the violation thereof, and repealing all ordinances and resolutions in conflict therewith:

1. Restrictions for Boat Traffic: In order to prevent additional damage to property that would be caused by wave action from boats passing at high rates of speed; the speed of boat traffic in the designated danger area--BUTTE LA ROSE CHANNEL--is hereby reduced to no-wake speed.
2. Danger area: Notice of said designation shall be posted in said area in such a manner that the general public will be aware of the restrictions on boat traffic.
3. Penalty: Any person violating this section shall be guilty of a misdemeanor and upon conviction may be fined two hundred dollars (\$200.00) or sentenced to serve thirty (30) days in the parish jail, or both.
4. This ordinance does hereby repeal all ordinances or resolutions in conflict therewith.

Bennie Fontenot recommended regulations for Special Scuba Diving Season. A motion was made by Dr. Hines, seconded by Mr. Vinet, and passed unanimously that the regulations be accepted.

(The full text of the regulations
here is made a part of the record)

1. The special season shall be limited to Toledo Bend Reservoir, and only in that part of the lake located south of Highway 6 (Pendleton Bridge) on the Louisiana side.
2. The special season shall be for four months beginning at sunrise on the first day of June and ending at sunset on the last day of September each year.
3. The taking of gamefish species shall be permitted during daylight hours only from sunrise to sunset.
4. Each diver harvesting gamefish is required to have a special permit issued by the Secretary of the Louisiana Department of Wildlife and Fisheries, and the permit must be available for inspection upon request.
5. In addition to the special permit, the permit holder must have a valid Louisiana sportsfishing license.

6. Largemouth bass, crappie and bream shall be the only gamefish species allowed to be taken.
7. The daily creel limit shall be 5 largemouth bass, 25 crappie and 50 bream; the possession limit shall be the same as the daily creel limit.
8. The scuba diver must be submerged in the water and use only standard underwater spearing equipment.
9. No permitted diver shall have in his possession (vessel or on his person) any other fishing gear.
10. Each permit holder shall submit to the Louisiana Department of Wildlife and Fisheries a monthly report of gamefish taken, and other information requested on the forms supplied by the Department; the report deadline for a specific month shall be on the 15th of the following month. All reports should be sent to Bennie Fontenot, Louisiana Department of Wildlife and Fisheries, P. O. Box 15570, Baton Rouge, Louisiana, 70895. Each permit holder must submit the monthly report whether they fish or not.
11. A legal diving flag shall be conspicuously displayed while diving operations are taking place.
12. Permits will expire at the end of each season and shall be renewed on an annual basis.
13. Failure to adhere to any of the above stipulations shall result in the revocation of the permit.

Mr. Gray recommended that the August meeting be held Tuesday and Wednesday, the 6th and 7th in Baton Rouge. Mr. Vinet made a motion and these dates were approved.

Mr. Harold Schoeffler had asked at Tuesday's meeting that we adopt the same regulations that the Coast Guard has. Mr. Gray asked the staff to prepare a memorandum showing what we are requiring and what the Coast Guard requires to see the difference if there is any. Dr. Cappel made a motion, seconded by Mr. Vinet, and approved unanimously, to take Mr. Schoeffler's comments under advisement and find out what is actually involved in these comments. Dr. Hines also raised a question of can it be enforced and can we abide by it.

Mr. Gray recognized the news media, mentioned that we appreciated Mr. Floyd Cormier from Channel 3-TV Lafayette for their fine coverage. Mr. Cormier mentioned that on the second and fourth Thursday of the month they will have a wildlife presentation from someone in the Department on their show Good Morning Acadiana!

Mr. Burt Angelle took this time to thank the staff for doing such a good job for him while he was unable to be at work. He really appreciated all of our cooperation in getting the job done.

Hugh Bateman, Chief of the Game Division, announced that Robert Helm is the waterfowl biologist. He replaced Chuck Smith, who was promoted to Assistant P-R Coordinator, April 1, 1985.

Mr. Gray adjourned the meeting.

Review of the Administrative Procedures Act

When there is a proposed change in a rule or regulation pertaining to the Department of Wildlife and Fisheries it must be in compliance with the APA. There are several stages to this procedures and I would like to review them briefly.

1. The proposed change is presented to the Commission at a regular monthly meeting.
2. A copy of the resolution or proposed change is then sent to my office. At that point, I work with the appropriate division in preparing Fiscal and Economic Impact Statements on the related subject.
3. The resolution is converted into the proper form as a Notice of Intent.
4. The Notice of Intent along with the Impact Statements are forwarded concurrently to the Legislative Fiscal Officer, House and Senate Natural Resources Oversight Committees (There are 7 members of the Senate Committee and 9 members of the House)
5. The Notice of Intent and the Impact Statements must be received in the Legislative Fiscal Office by the 25th day of the month preceding publication in the Louisiana Register.
6. Material must be in the Office of the State Register by noon on the tenth of the month in which it is to be published. If the 10th falls on a weekend or holiday, the deadline is noon of the last previous workday.

Notices of Intent

7. We must state, in general, what Rules we plan to adopt, amend or repeal. We may include the text of the proposed Rules in the Notice of Intent, if they have been drafted, but if we do not include them, we must describe them in general terms. We may, for example, say that we intend to adopt new fishing regulations for Lake Bistineau, but we cannot simply say that we intend to change some of our fishing rules.
8. We must give the name of the person responsible for responding to inquiries about the proposed Rules.
9. We must give the place where and the manner in which comments will be accepted regarding the proposed Rules. The APA requires an agency to give "reasonable" time for the public to make comments about the proposed new rule. An agency is not required to state a cutoff date for accepting comments but such a date may be stated in the Notice of Intent if desired.
10. Boards and commissions must meet in plenary session to adopt rules. A rule may not be finally adopted before 50 days have elapsed from publication of Notice of Intent. We cannot adopt rules and then publish a Notice of Intent. This is not to say, however, that we cannot have a firm idea of how the new rule should read before we give public notice.

11. A public hearing for the purpose of hearing objections to and comments on proposed new rules must be scheduled if so requested by 25 persons or by a representative of a group of 25 or more persons. The hearing must be scheduled no later than 15 days from publication of the Notice of Intent. Many agencies automatically schedule a public hearing on every proposed rule to ensure that an opportunity for comments is given.

Rules

12. If the oversight committees desire additional information they will notify the department so that we may be in attendance when they meet. If there is no controversy on the proposed change, it may be presented to the Commission for final adoption after the prescribed number of days have elapsed.
13. All rules of state agencies must be filed in the office of the State Register in order for them to have legal effect, regardless of when they were adopted. Also, all Rules must first be published in the Louisiana Register as Notices of Intent.
14. When a Rule is adopted, we must submit a certified copy to the Office of the State Register. The certification requirement is met by a common "cover letter". If the Rule is lengthy, they may choose not to publish it but rather publish a reference to it. This is, however, their option and the Rule must still be on file with them.
15. A Rule becomes effective on the date it is published in the Louisiana Register (the 20th of the month) or on any later date we choose and state in the text of the Rule. We cannot designate an effective date earlier than the date of publication.
16. If a Rule is adopted, amended or repealed in compliance with federal regulations, we must cite the Federal Register issue in which the federal regulation is published by volume, number, date and page.
17. A Rule may not be published in the month following its Notice of Intent. The Administrative Procedure Act specifies that 50 days must elapse between the Notice of Intent and the Rule, which means the earliest a Rule may be published is the 20th of the second month following the Notice of Intent.

Emergency Rules

18. Normally, it takes about three months to adopt rules. The Administrative Procedure Act provides for emergency action in cases where there is imminent peril to the life, health or property of the citizens of the State of Louisiana or federal regulations requiring immediate compliance. If you find it necessary to adopt an emergency rule, we must follow the requirements listed below.
19. Within five days of adoption we must state our reasons for using the emergency provision, in writing, to the Governor, the Attorney General and the Office of the State Register.

20. The emergency rule, titled **DECLARATION OF EMERGENCY**, must be published in the Louisiana Register along with the reasons for the finding of the emergency.
21. If the emergency rule is adopted in order to comply with federal regulations, we must cite the issue of the Federal Register in which the regulation is published by volume, number, date and page.
22. Emergency rules may be made effective on the date of adoption or on a date not more than 60 days future from the date of adoption.
23. Emergency rules are only effective for 120 days from the date they take effect. If you want the emergency rule to become permanent, we must publish a Notice of Intent concurrently with the emergency rule.

Effective September 4, 1984, no resident of any state adjacent to Louisiana in which butterfly nets are prohibited may use butterfly nets in Louisiana waters. (Act 693)

Effective July 1, 1984, the Department of Wildlife and Fisheries can no longer issue Saltwater Shrimp Seine Licenses. (Act 295)

In order to sell the finfish caught in shrimp trawls you must purchase a Saltwater Sellers License in addition to the applicable shrimp licenses. (Residents \$105.00 - Non-Residents \$405.00) Applications must be submitted during the month of October only.

You must purchase a Wholesale Dealers license if you are a resident buying or handling commercial or bait species taken into the State or fresh or processed commercial fish shipped into the State for sale to wholesale or retail dealers or to ship out-of-state. Includes any person, firm or corporation taking commercial fish and shipping or transporting such fish beyond the State.

You must purchase a Wholesale Dealer's Agent license if you are purchasing for a Wholesale Dealer.

You must purchase a license for each Butterfly and Beam Trawl in use at a fee of \$30.00 each for residents and non-residents.

Butterfly (12'X16' Maximum) Beam Trawl (22'X22' Maximum)

Note: Be sure to specify Butterfly as "BFLY" & Beam Trawl as "BMTL" on application. Also, if butterfly or beam trawl is used on a vessel, please complete vessel section on application, but if its stationary, write "Stationary" on application.

These licenses are not available to residents of Mississippi or Texas.

You must purchase a retail dealer license if you are a resident buying or selling commercial or bait fish for retail sale to the consumer including oyster counters. Includes retailing shrimp and shucked oysters.

You will need a Commercial Seafood Transport license for the commercial transport of fish, shrimp or oysters unless purchase from wholesale dealers or hauling own catch within state. This license or copy of a wholesale dealers license must be aboard transport. (\$205.00)

144001	HUNTING PRESEKVE (Expires June 30)	\$200.00
	Public shooting and/or taking of pen-raised game birds	
	NOTE: All new applications must be approved by Game Division	
144002	GAME BREEDER (Expires December 31)	10.00
	Raising and selling wild game birds and/or wild game quadrupeds	
	NOTE: All new applications must be approved by Game Division	
144003	OYSTER TONNAGE (Expires August 31) Minimum Fee	1.00 (Plus \$5.00)
	Vessel license based on carrying capacity \$.50 per ton	
	NOTE: All applications must be forwarded to Carol O'Donnell, in the New Office for approval.	
144004	OYSTER DREDGING (Expires August 31)	
	Vessels using scrapers or dredges. No more than 7 dredges shall be used on any one vessel.	
	First 2 dredges	55.00
	Each additional Dredge	30.00
	NOTE: All applications must be forwarded to Carol O'Donnell in the New Orleans office for approval.	
144005	OYSTER SHOP & RESALE (Expires August 31)	
	Wholesale Oyster Dealer License	
	10,000 bbls. or 1-5 shuckers	15.00
	15,000 bbls. or 6-9 shuckers	20.00
	20,000 bbls.	25.00
	Over 20,000 bbls or 10 or more shuckers	30.00
	NOTE: All applications must be forwarded to Carol O'Donnell in the New Orleans office for approval.	
144007	RESIDENT FUR BUYER (Expires June 30)	25.00
	Persons buying, selling and/or shipping raw furs or skins within the State only.	
	NOTE: All applications and licenses must be forwarded to Marquerite Ponder, in the New Orleans office for approval.	
144008	Resident Fur Dealer (June 30)	150.00
	Persons or firms buying and selling raw furs or skins and shipping out of State. (\$500.00 deposit required - 166003)	
	NOTE: All applications and licenses must be forwarded to Marquerite Ponder, in the New Orleans Office for approval.	
144009	NON-RESIDENT FUR BUYER (Expires Juen 30)	100.00
	Non-resident buying, selling and/or shipping raw furs or skins within the State only.	
	NOTE: All applications and licenses must be forwarded to Marquerite Ponder, in the New Orleans office for approval.	

.144010 NON-RESIDENT FUR DEALER (Expires June 30) 300.00

Non-residents buying or selling raw furs or skins and shipping out of State. (\$1,000 deposit required - 166003)

NOTE: All applications and licenses must be forwarded to Marquerite Ponder in the New Orleans office for approval.

144011 COMMERCIAL FISHERMAN - RETAIL BAIT SELLER 10.00

Required for all commercial fishing not requiring special nettings licenses. Used to catch and/or sell bait species retail.

144012 HOOP NET (Each 15 nets or fraction thereof) 10.00

144013 FRESHWATER FISH SEINE 10.00

Each net or every net 100 yards requires a tag

144014 FRESHWATER TRAMMEL NET 10.00

Each net or every net 100 yards requires a tag

144015 FRESHWATER GILL NET 10.00

Each net or every net 100 yards requires a tag

144017 SALTWATER TRAMMEL NET (Maximum length 1200 feet) 30.00

NOTE: Applications must be submitted during the month of October only. Also, customer must license his vessel and if he intends to sell his catch, he must apply for the appropriate Seller License (Class 144059 or Class 144060)

144018 SALTWATER SHRIMP VESSEL

Vessels 40 ft or less 10.00

Vessels over 40 feet 15.00

144019 NON-RESIDENT SALTWATER SHRIMP VESSEL

Vessels 40ft or less 15.00

Vessels over 40 feet 25.00

NOTE: Vessel affidavit required for Alabama residents only. Alabama residents also pay Louisiana fees.

144020 MENHADEN SEINE & VESSEL

Vessel License (Mother Ship) 55.00

Vessel License (Sister Ship) refer to Class 144035

Each Seine in use 55.00

144021 RETAIL DEALER - FISH & SEAFOOD 10.00

A resident buying or selling commercial or bait fish for retail sale to the consumer including oyster counters. Includes retailing shrimp and shucked oysters.

144022 WHOLESALE DEALER 55.00

Residents buying or handling commercial or bait species taken into the State or fresh or processed commercial fish shipped into the State for sale to wholesale or retail dealers or to ship out-of-State. Includes any person, firm or corporation taking commercial fish and shipping or transporting such fish beyond the State.

144023 WHOLESALE DEALER'S AGENT 15.00

Persons purchasing for wholesale dealer

144024 SALTWATER SHRIMP FREIGHTER

Resident: 40 feet or less 10.00
over 40 feet 15.00

Non-Resident: 40 feet or less 15.00
over 40 feet 25.00

Required for any vessel used in buying, freighting or transporting salt water shrimp.

144025 SALTWATER SHRIMP TRAWL AND VESSEL

Trawl 16 feet or less 15.00
Trawl 17 feet - 39 feet 20.00
Trawl 40 feet and over 25.00
Vessel 40 feet or less 10.00
Vessel over 40 feet 15.00

NOTE: DO NOT LICENSE BUTTERFLYS OR BEAM TRAWLS UNDER THIS CATEGORY, REFER TO CLASS #144057

Also, The commercial fisherman can only sell his shrimp and crabs off of this license, if he intends to sell his finfish, he must purchase a Seller's License, Class #144059.

144026 NON-RESIDENT SHRIMP TRAWL & VESSEL

Trawl 16 feet or less 25.00
Trawl 17 feet - 39 feet 35.00
Trawl 40 feet or over 45.00
Vessel 40 feet or less 15.00
Vessel over 40 feet 25.00

NOTE: DO NOT LICENSE BUTTERFLYS OR BEAM TRAWLS UNDER THIS CATEGORY, REFER TO CLASS # 144058.

Also, the commercial fisherman can only sell his shrimp and crabs off of this license, if he intends to sell his finfish, he must purchase a Seller's license, Class #144060.

Alabama residents must have a vessel affidavit but only pays Louisiana fees.

144027 NON RESIDENT MINNOW DEALER 205.00

Any non-resident person selling minnows wholesale in the State.

144028 RESIDENT FISH FARMER 15.00

Propagation of fish or minnows for sale including frogs, turtles, crawfish and other aquatic life.

NOTE *All new applications must be forwarded to Game Division for Enforcements approval.

144031 OYSTER FREIGHTER (Expires August 31)

Vessels purchasing oysters for resale to make up a cargo.

Under 5 tons 15.00

Over 5-10 tons 20.00

Over 10 tons 25.00

144032 NON GAME QUADRUPED EXHIBITOR 10.00

Raising and/or exhibiting non-game quadrupeds.

NOTE: All applications and licenses must be forwarded to Marquerite Ponder for approval.

144033 NON GAME QUADRUPED BREEDER 25.00

Raising, exhibiting and selling non-game quadrupeds

NOTE: All applications and licenses must be forwarded to Marquerite Ponder for approval.

144034 SALTWATER FISH SEINE (Maximum length 1200 feet) 30.00

NOTE: Applications must be submitted during the month of October only. Also, customer must license his vessel and if he intends to sell his catch, he must apply for the appropriate Seller's License (Class 144059 or Class 144060)

144035 SALT WATER FISH VESSEL
Vessels 45 ft or under 10.00
Vessels over 45 feet 15.00

NOTE: Applications must be submitted during the month of October only.

144037 SALT WATER SHRIMP TRAWL

Trawl 16ft or less 15.00

Trawl 16ft to less than 40ft 20.00

Trawl 40ft or over 25.00

NOTE: DO NOT LICENSE BUTTERFLYS OR BEAM TRAWLS UNDER THIS CATEGORY, REFER TO CLASS #144057

144038 NON RESIDENT SHRIMP TRAWL

Trawl 16ft or less 25.00

Trawl 16ft to less than 40ft 35.00

Trawl 40ft or over 45.00

NOTE: DO NOT LICENSE BUTTERFLYS OR BEAM TRAWLS UNDER THIS CATEGORY, REFER TO CLASS #144058.

Also, Alabama residents pay Louisiana Fees and requires a vessel affidavit.

144039 COMMERCIAL SEAFOOD TRANSPORT 205.00

The commercial transport of fish, shrimp or oysters unless purchased from wholesale dealers or hauling own catch within State. This license or copy of a wholesale dealers license must be aboard transport.

144042 OYSTER TONGING (Effective September 4, 1984)

Resident 30.00
Non-Resident 255.00

144044 NON RESIDENT FRESHWATER FISH VESSEL (Each vessel in use) 205.00

NOTE: Applications must be submitted during the month of January.

144045 SALTWATER GILL NET (Per 1200 Feet) 30.00

NOTE: Applications must be submitted during the month of October only. Also, customer must license his vessel and if he intends to sell his catch, he must apply for the appropriate Seller's License (Class #144059 or Class #144060)

144046 RESIDENT CRAB TRAP FISHERMAN 30.00

144047 NON RESIDENT CRAB TRAP FISHERMAN 505.00

144048 ALLIGATOR PARTS DEALER (Expires June 30) 50.00

NOTE: All applications and licenses must be forwarded to Marquerite Ponder for approval.

144049 NON RESIDENT RETAIL DEALER - FISH & SEAFOOD 55.00

A non-resident buying or selling commercial or bait fish for retail sale to the consumer including oyster counters. Includes retailing shrimp and shucked oysters.

144050 NON RESIDENT WHOLESALE DEALER 155.00

Non-Resident buying or handling commercial fish or bait species taken into the State or fresh or processed commercial fish shipped into the State for sale to wholesale or retail dealers and non-residents shipping fish out of the State.

144051 CLAM LAND BASED OPERATOR 105.00

144052 CLAM VESSEL 105.00

144053 CLAM HARVESTING IMPLEMENT 105.00

144054 CLAM RAKE OR TONG 30.00

144056 SALTWATER PURSE SEINE (Per 1200 feet) 30.00

NOTE: Applications must be submitted during the month of October only. Also, customer must license his vessel and if he intends to sell his catch, he must apply for the appropriate Seller's License (Class #144059 or Class #144060)

144057 RESIDENT BUTTERFLY & BEAM TRAWL (Effective Sept. 4, 1984)

BFLY - (12' x 16' max)	30.00
BMTL - (22' x 22' max)	30.00

NOTE: Be sure to specify BUTTERFLY AS "BFLY" & BEAM TRAWL as "BMTL" on application. Also, if butterfly or beam trawl is used on a vessel, please complete vessel section on application, but if its stationary, write "Stationary" on application.

144058 NON-RESIDENT BUTTERFLY & BEAM TRAWL (Effective Sept 4, 1984)
(DO NOT ISSUE THIS LICENSE TO MISSISSIPPI OR TEXAS RESIDENTS)

BFLY - (12' x 16' max)	30.00
BMTL - (22' x 22' max)	30.00

NOTE: PLEASE REFER TO CLASS 144057 FOR INSTRUCTIONS.

144059 RESIDENT SALTWATER SELLERS LICENSE 105.00

NOTE: Applications must be submitted during the month of October only

144060 NON RESIDENT SALTWATER SELLERS LICENSE 405.00

NOTE: Applications must be submitted during the month of October only.

144061 SLAT TRAP (Effective January 1, 1985) 10.00

For each 15 traps

144062 RETAIL ALLIGATOR MEAT 5.00

144063 OYSTER VESSEL (For Calcasieu Lake ONLY) Effective 9-4-84

Resident	10.00
Non Resident	15.00

144064 NON RESIDENT SALTWATER FISH VESSEL (Each vessel in use) 205.00

NOTE: Application must be submitted during the month of October only